

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Keith Crow,

Civil 08-3350 PJS/FLN

Plaintiff,

v.

O R D E R

Joan Fabian, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated September 17, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's claims against Defendants Joan Fabian, John M. Stuart, and Mark F. Anderson are dismissed pursuant to 28 U.S.C. § 1915A(b); and
2. Plaintiff's claims against the remaining Defendants in this case will be allowed to proceed at this time, without prejudice to any defenses that those Defendants may later seek to raise.

DATED: October 21, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge